

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HADEL TOMA,

Plaintiff,

vs.

Case No. 18-CV-11066
HON. GEORGE CARAM STEEH

38th DISTRICT COURT,

Defendant.

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ORDER GRANTING PLAINTIFF'S MOTION
FOR RECONSIDERATION (Doc. 8)

On April 13, 2018, this court granted pro se plaintiff Hadel Toma's request to proceed *in forma pauperis* in her discrimination claim brought under the Americans with Disabilities Act ("ADA"), and pursuant to the screening requirements of 28 U.S.C. § 1915(e)(2)(B), the court show caused Plaintiff to demonstrate why her complaint should not be dismissed for failure to exhaust her administrative remedies. Plaintiff timely replied, but absent proof that she filed a claim with the Equal Employment Opportunity Commission, the court dismissed her complaint without prejudice for her failure to exhaust administrative remedies. Now before the court is Plaintiff's motion for reconsideration. Plaintiff argues that she is not alleging discrimination in employment, but seeks to recover for

Defendant's alleged failure to provide her with hearing aid services and to allow her to bring her emotional support dog into traffic court, and furthermore, she does not rely entirely on the ADA but intends to proceed under other civil rights statutes, presumably 42 U.S.C. § 1983. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132. Because Plaintiff is not pursuing employment discrimination, but is proceeding under Title II of the ADA and § 1983, Plaintiff was not required to exhaust administrative remedies. *Mitchell through Mitchell v. Cmty. Mental Health of Cent. Michigan*, 243 F. Supp. 3d 822, 833 (E.D. Mich. 2017). Accordingly, Plaintiff's motion for reconsideration (Doc. 8) is GRANTED.

IT IS SO ORDERED.

Dated: May 17, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 2, 2018, by electronic and/or ordinary mail and also on Hadel Toma, 22420 Kelly Road, Eastpointe, MI 48021.

s/Barbara Radke
Deputy Clerk